Art Unit 216 Paper No. 15

Appeal No. 626-43 dm

Heard:

October 28, 1987

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte Frank T. Check,
and Ronald P. Sansone

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Application for Patent filed March 7, 1983, Serial No. 472,559, which is a Continuation-in-Part of Serial No. 391,029, filed June 22, 1982, which is a Continuation of Serial No. 240,532, filed March 4, 1981, which is a Division of Serial No. 130,278, filed March 14, 1980, which is a Division of Serial No. 922,596, filed July 7, 1978. Apparatus And Method For Correcting Imperfection In A Polygon Used For Laser Scanning.

Peter Vrahotes et al. for appellant.

Primary Examiner - George H. Miller, Jr.

Before Forrer, Lynch and Rubinson, Examiners-in-Chief.

Forrer, Examiner-in-Chief.

This case is on appeal, pursuant to 35 U.S.C.

134, from the final rejection of Claims 1, 3, 5, 6, 8, 11 to 14, 16, 18, 20 and 21. No other claims are pending.

Claim 1 is here reproduced as being illustrative of the issue:

1. Apparatus for printing characters on a record medium in accordance with input data, comprising:

an electronic printer having means for producing dot matrix patterns on a record medium,

a microprocessor connected to said electronic printer,

a data input connected to said microprocesor, and

a look-up table connected to said microprocessor that contains information of the characters to be printed on the record member by said printer in the form of different dot sizes, whereby characters with smoothed edges may be produced by said electronic printer.

The following references are applied:

Yamada et al. (Yamada)	4,050,077	Sep. 20, 1977
Tsuzuki et al. (Tsuzuki)	4,281,833	July 28, 1981

All the claims stand finally rejected under 35 U.S.C. 102(e) as being unpatentable either over Yamada or over Tsuzuki.

In the penultimate paragraph of page 4 of the examiner's answer the examiner has withdrawn the rejection of Claims 16 and 21 and Claims 18 and 20, dependent upon Claim 16, on Tsuzuki by admitting this reference does not disclose the features claimed thereby.

Appellant argues that he achieves a smoother appearance on the edges of characters by "intermeshing" the dot sizes which assertedly is not taught by either reference. By "intermeshing" Appellant means the mix of dot sizes illustrated in his Figs. 4a, 4b and 4c resulting in Fig. 5. We are unable to give credence to this argument in evaluating the claims because they are silent as

to any type of "intermeshing" much less the specific type illustrated in the above mentioned figures. The term "intermeshing" does not appear in any claim.

Appellant argues that his character edges are "smoother" or "smoothed". We note that either the term "smoothed" or "smooth" appears in each independent claim. However, this is a totally subjective consideration and Appellant has presented no evidence of any established standards on the basis of which such edges could be evaluated and we know of none. Tsuzuki discloses (line 52 of column 1) that "finer letters" are produced. Yamada discloses (line 60 of column 1) that an "image of high quality" is produced and (lines 44 to 48 of column 5) that "an...image...an exact reproduction...even in minor details" is produced. We do not consider the terms "smoothed" and "smooth" to distinguish therefrom. In particular, we consider Fig. 7 of Yamada to teach one method of making the edges of a character "smoothed" by intermeshing dot sizes within the scope of the claims.

Appellant also argues that the look-up table for character information appearing in certain claims is not included in the Tsuzuki disclosure. We agree. Tsuzuki is silent as to the source of the picture signal PS at 21 and so is not a basis under §102 for a rejection of claims containing the look-up table. Accordingly, we will not sustain the rejection of Claims 1, 3, 5, 6 and 12 under 35 U.S.C. 102(e) on Tsuzuki.

Upon full consideration of Appellant's arguments

we, nevertheless, are convinced that Claims 8, 11, 13 and 14 do not distinguish from Tsuzuki and that all claims are directly readable upon Yamada which, in Fig. 14, discloses microprocessor stages with a look-up table (21a, 21b). Accordingly, we will sustain the rejections of these claims.

SUMMARY

The examiner's decision rejecting Claims 1, 3, 5, 6, 8, 11 to 14, 16, 18, 20 and 21 under 35 U.S.C. 102(e) on Yamada is affirmed.

The examiner's decision rejecting Claims 8, 11, 13 and 14 under 35 U.S.C. 102(e) on Tsuzuki is affirmed.

The rejection of Claims 1, 3, 5, 6 and 12 under 35 U.S.C. 102(e) on Tsuzuki is reversed.

The examiner has withdrawn the rejection of Claims 16, 18, 20 and 21 on Tsuzuki.

AFFIRMED

Donald D. Forrer)
Examiner-in-Chief)
)
Thomas E. Lynch)
Examiner-in-Chief) BOARD OF PATENT APPEALS AND INTERFERENCES
)
Gene Z. Rubinson)
Examiner-in-Chief)

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